IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 20367 of 2004

Between:

Venkatadri Mineral Waters, rep.by Managing Partner,
Sri Vallabhaneni Subbarao, aged 42 years, Hindu,
R/o D.No.9/70, Gudlavalleru, Krishna District

..... PETITIONER

AND

The Commercial Tax Officer,
Benz Circle, Vijayawada, Krishna District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent impugned order passed in Assessment Number 6799/2000-2001, dated 01-10-2004 demanding Rs1,62,845/- towards the sales tax for the year 2000-2001 from the petitioner unit M/s Venkatadri Mineral Waters, Gudlavalleru, Krishna District as illegal, arbitrary capricious, without jurisdiction and violative of principles of natural justice and against the rule of estoppels and violate of article 19 and 21 of constitution of India and Sec.9 of A.P.G.S.T. Act 1967 and also contrary to the judgment of this Hon'ble Court in WP 8970 of 2003 and batch and consequently to set aside the same.

Counsel for the Petitioner: SMT.N.(P).ANJANA DEVI,

Counsel for the Respondent : SPECIAL STANDING COUNSEL FOR COMMERCIAL TAXES

The Court, at the state of admission, made the following:

O R D E R: (Per Hon'ble Sri Justice B.Sudershan Reddy)

Leave is granted to the petitioner to withdraw this writ petition with a liberty to file comprehensive writ petition, if the petitioner is so advised.

The writ petition shall accordingly stand dismissed without expressing any opinion on the merits. There shall be no order as to costs.

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B. SUDERSHAN REDDY, J.

Date: 29-11-2004

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T.CH. SURYA RAO, J.

GS/PVKS

To

1. The Commercial Tax Officer,
Benz Circle, Vijayawada, Krishna District

2. 2CD copies

3. Two CCs to the Special Standing Counsel for Commercial

Taxes, High Court of A.P., Hyderabad (OUT)